

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

GEOTAG INC., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 2:11-CV-405-DF-CMC
)	
)	
CIRCLE K STORE, INC., <i>et al.</i> ,)	
)	
)	
Defendants.)	

DAVID SWETNAM-BURLAND DECLARATION

Pursuant to 28 U.S.C. § 1746, David Swetnam-Burland declares and states as follows:

1. My name is David Swetnam-Burland. I am over the age of eighteen, and I am competent to make this declaration. I make this declaration upon my personal knowledge.

2. I am co-counsel for Defendants Coldwater Creek Inc., Draper's & Damon's, LLC, and J. Crew Group, Inc. ("Moving Defendants") in the above-captioned action.

3. Attached as Exhibit A is a true and correct copy of an October 19, 2011, order entered in *Galas, LLC v. Sabre Holdings, Corp., et al.*, Case No. 2:10-cv-320-DF (E.D. Tex.), which I downloaded from the Electronic Case Filing System of this Court on February 6, 2012.

4. The order attached as Exhibit A was cited by Plaintiffs GeoTag Inc. and GeoTag, Inc. (collectively, "GeoTag") in their opposition ("Opposition") (Dkt. No. 101), to the Moving Defendants Motion to Dismiss for Misjoinder (Dkt. No. 33).

5. Attached as Exhibit B is a true and correct copy of an April 22, 2011, Plaintiff SoftView LLC's Motion for Leave to Amend Its Complaint to Assert Claims Against Additional Infringers (Dkt. No. 61) filed in *SoftView, LLC v. Apple, Inc., et al.*, Case No. 10-389-LPS (D.

Del.), which I downloaded from the Electronic Case Filing System of the United States District Court for the District of Delaware on February 6, 2012.

6. The motion attached as Exhibit B was the subject matter of the district court's Memorandum Orders in *SoftView LLC v. Apple, Inc.*, 2011 WL 4571793 (D. Del. Sep. 30, 2011), reconsideration denied, 2011 WL 6100421 (Dec. 7, 2011), the latter of which was cited by GeoTag in its Opposition.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 7, 2012

/s/ David Swetnam-Burland
David Swetnam-Burland